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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,540	04/14/2004	Nathan Tad Czyzewski	5793.3145-00	4427

22852 7590 03/17/2008
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EXAMINER

MAGUIRE, LINDSAY M

ART UNIT	PAPER NUMBER
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3692

MAIL DATE	DELIVERY MODE
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03/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/823,540	Applicant(s) CZYZEWSKI ET AL.	
	Examiner LINDSAY M. MAGUIRE	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/14/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6 and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase, "wherein the balance transferred by the customer is a payment made to the customer by an issuer of the financial account at the time the financial account is opened" in lines 1-3 of claim 7, (also present in claim 35) is considered to be vague and indefinite as one of ordinary skill in the art would be unable to ascertain the requisite scope of the claim(s). It is noted that it appears that applicant is attempting to set forth that when the customer transfers their balance to the sub-account, the issuer of the sub-account pays off of the transfer balance amount to the original debt owner. In the interest of compact prosecution the claim(s) have been examined as such. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8, 15, 17-19, 26, 28-33, 36, 43, and 45 are rejected under 35

U.S.C. 102(b) as being anticipated by "The Philadelphia Inquirer Personal Finance Column" (Brown).

Regarding claims 1-5 and 8, Brown discloses a financial account for a customer, the financial account comprising: a credit line sub-account for managing purchases by the customer (lines 17-25); and a balance transfer sub-account for managing at least one balance transferred by the customer (lines 17-25); and defining attributes for the balance transfer sub-account, the attributes comprising a maximum required periodic payment and a maximum interest rate that are fixed for the life of the balance (lines 26 - 28). Brown further discloses that the maximum required periodic payment is defined as a fixed amount (lines 26-28; i.e. the payment minimum); that the maximum interest rate is defined as 0% (line 2) and the method further comprises defining, for the balance transfer sub-account, an account initiation fee (lines 32-33); that the account initiation fee is based upon the size of the transferred balance (lines 32-33); defining attributes for the balance transfer sub-account further comprises defining a pay-off date for the balance transfer sub-account (lines 1-2); and that the financial account is a credit card account (line 1).

Regarding claims 15 and 17, Brown discloses a financial account, comprising: creating a financial account for a customer, the financial account comprising: a credit

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line sub-account for managing purchases by the customer (lines 17-25); and a balance transfer sub-account for managing at least one balance transferred by the customer (lines 17-25); and defining attributes for the balance transfer sub-account, the attributes comprising: an interest rate of 0% for the life of the balance (line 1), and a balance transfer fee that is based upon the size of the at least one transferred balance. Brown further discloses applying a payment received from the customer toward a minimum periodic payment on the balance transfer sub-account before applying the payment toward a minimum periodic payment on the credit line sub-account (lines 17-25).

Regarding claims 18 and 19, Brown discloses a financial account, comprising: means for creating a financial account for a customer, the financial account comprising a credit line sub-account for managing purchases by a customer and a balance transfer sub-account for managing at least one balance transferred by the customer (lines 17-25); and means for defining attributes for the balance transfer sub-account, the attributes comprising a maximum required periodic payment (lines 26-28; i.e. the payment minimum) and a maximum interest rate that are fixed for the life of the balance (lines 1-2). Brown further discloses that the means for creating a financial account comprises means for creating credit card account (lines 1-2).

Regarding claims 26 and 28, Brown discloses a financial account, comprising: means for creating a financial account for a customer, the financial account comprising a credit line sub-account for managing purchases by a customer and a balance transfer

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sub-account for managing at least one balance transferred by the customer (lines 17-25); and means for defining attributes for the balance transfer sub-account, the attributes comprising: an interest rate of 0% for the life of the account (line 1), and a balance transfer fee that is based upon the size of the at least one transferred balance (lines 32-33). Brown further discloses means for applying a payment received from the customer toward a minimum periodic payment on the balance transfer sub-account before applying the payment toward a minimum periodic payment on the credit line sub-account (lines 17-25).

Regarding claims 29-33 and 36, Brown discloses a financial account, the method comprising: creating a financial account for a customer, the financial account comprising: a credit line sub-account for managing purchases by the customer (lines 17-25); and a balance transfer sub-account for managing at least one balance transferred by the customer (lines 17-25); and defining attributes for the balance transfer sub-account, the attributes comprising a maximum required periodic payment and a maximum interest rate that are fixed for the life of the balance (lines 26-28). Brown further discloses that the maximum required periodic payment is defined as a fixed amount (lines 26-28; i.e. the payment minimum); that the maximum interest rate is defined as 0% (line 2) and the method further comprises defining, for the balance transfer sub-account, an account initiation fee (lines 32-33); that the account initiation fee is based upon the size of the transferred balance (lines 32-33); defining attributes for the balance transfer sub-account further comprises defining a pay-off date for the

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balance transfer sub-account (lines 1-2); that the financial account is a credit card account (line 1).

With respect to claims 43 and 45, Brown discloses a financial account, comprising: creating a financial account for a customer, the financial account comprising: a credit line sub-account for managing purchases by the customer (lines 17-25); and a balance transfer sub-account for managing at least one balance transferred by the customer (lines 17-25; and defining attributes for the balance transfer sub-account, the attributes comprising: an interest rate of 0% for the life of the balance (lines 1-2), and a balance transfer fee that is based upon the size of the at least one transferred balance (lines 32-33). Brown further discloses that the method further comprises applying a payment received from the customer toward a minimum periodic payment on the balance transfer sub-account before applying the payment toward a minimum periodic payment on the credit line sub-account (lines 17-25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7, 9-14, 16, 20-25, 27, 34, 35, 37-42, and 44 are rejected, insomuch as the claims are best understood given the 35 USC 112 rejections (as advanced above), under 35 U.S.C. 103(a) as being unpatentable over Brown as applied to claims 1-5, 8, 15, 17-19, 26, 28-33, 36, 43, and 45 above, alone.

Regarding claims 9-14, Brown discloses a financial account, comprising: creating a financial account for a customer, the financial account comprising: a credit line sub-account for managing purchases by the customer (lines 17-25); and a balance transfer sub-account for managing at least one balance transferred by the customer (lines 17-25). Brown further discloses comprising defining attributes for the balance transfer sub-account, the attributes comprising a maximum required periodic payment (which is well known in the art as a "payment minimum" or "required monthly payments") and a maximum interest rate that are fixed for the life of the balance (lines 1-2); that the maximum required periodic payment is defined as a fixed amount (lines 26-28; i.e. the payment minimum); that the maximum interest rate is defined as 0% (line 2) and the method further comprises defining, for the balance transfer sub-account, an account initiation fee (lines 32-33); and the financial account is a credit card account (line 1).

While Brown does not explicitly disclose customizing a pay-off date for the balance transferred to the balance transfer sub-account, it would have been obvious to one of ordinary skill in the art at the time of invention for a customer to customize their payoff date, since it is well known in the art that the payoff timeline is typically one year

from the transfer date. Therefore, the user is choosing their payoff date when they choose their transfer date.

Regarding claims 20-25, Brown discloses a financial account, comprising: means for creating a financial account for a customer, the financial account comprising a credit line sub-account for managing purchases by a customer and a balance transfer sub-account for managing at least one balance transferred by the customer (lines 17-25). Brown further discloses means for defining attributes for the balance transfer sub-account, the attributes comprising a maximum required periodic payment (which is well known in the art as a "payment minimum" or "required monthly payments") and a maximum interest rate that are fixed for the life of the balance (lines 26-28; i.e. the payment minimum); that the maximum required periodic payment is defined as a fixed amount (line 1); that the maximum interest rate is defined as 0% (line 2) and the system further comprises means for defining an account initiation fee for the balance transfer sub-account (lines 32-33); and the means for creating a financial account comprises means for creating a credit card account (line 1).

While Brown does not explicitly disclose customizing a pay-off date for the balance transferred to the balance transfer sub-account, it would have been obvious to one of ordinary skill in the art at the time of invention for a customer to customize their payoff date, since it is well known in the art that the payoff timeline is typically one year

from the transfer date. Therefore, the user is choosing their payoff date when they choose their transfer date.

With respect to claims 37-42, Brown discloses a financial account, the method comprising: creating a financial account for a customer, the financial account comprising: a credit line sub-account for managing purchases by the customer (lines 17-25); and a balance transfer sub-account for managing at least one balance transferred by the customer (lines 17-25). Brown further discloses that the method further comprises defining attributes for the balance transfer sub-account, the attributes comprising a maximum required periodic payment (which is well known in the art as a "payment minimum" or "required monthly payment") and a maximum interest rate that are fixed for the life of the balance (lines 26-28); that the maximum required periodic payment is defined as a fixed amount (lines 26-28; i.e. the payment minimum); that the maximum interest rate is defined as 0% (line 2) and the method further comprises defining, for the balance transfer sub-account, an account initiation fee (lines 32-33); and that the financial account is a credit card account (line 1).

While Brown does not explicitly disclose customizing a pay-off date for the balance transferred to the balance transfer sub-account, it would have been obvious to one of ordinary skill in the art at the time of invention for a customer to customize their payoff date, since it is well known in the art that the payoff timeline is typically one year

from the transfer date. Therefore, the user is choosing their payoff date when they choose their transfer date.

Brown discloses the method/system/computer readable medium as recited above, with the exception of requiring: (a) defining a pay-off date for the balance transfer sub-account comprises receiving a desired pay-off date from the customer (claims 6, lines 1-2; claim 34, lines 1-3); (b) wherein the balance transferred by the customer is a payment made to the customer by an issuer of the financial account at the time the financial account is opened (claims 7, lines 1-3; claim 35, lines 1-3); and (c) providing the customer with a draft mechanism for transferring an additional balance to the balance transfer sub-account, up to a predetermined limit (claims 16, lines 1-3; claim 27, lines 1-3; claim 44, lines 1-3).

Regarding (a), while Brown does not explicitly disclose customizing a pay-off date for the balance transferred to the balance transfer sub-account, it would have been obvious to one of ordinary skill in the art at the time of invention for a customer to customize their payoff date, since it is well known in the art that the payoff timeline is typically one year from the transfer date. Therefore, the user is choosing their payoff date when they choose their transfer date.

With respect to (b), it is considered to be old and well known in the art that when you transfer the balance of one credit card (A) to a new credit card (B) that the issuer of

credit card B pays off the balance of credit card (A), since otherwise the system would not function correctly, and the user would be left with dual balances and therefore there would be no incentive for the user to transfer balances.

Regarding (c), it is considered to be old and well known in the art to be able to transfer multiple balances to a new credit account up to a predetermined limit (i.e. the credit limit) for the basic reason of the issuer of the credit card wanting to obtain as much of the customers business as possible.

Conclusion

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts of disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINDSAY M. MAGUIRE whose telephone number is (571)272-6039. The examiner can normally be reached on M-F: 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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3/5/08
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